



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/760,264 | 01/21/2004 | Kia Silverbrook | RRA11US | 1034 |
| 24011 | 7590 | 11/22/2005 | EXAMINER | |
| SILVERBROOK RESEARCH PTY LTD 393 DARLING STREET BALMAIN, 2041 AUSTRALIA | | | FIDLER, SHELBY LEE | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2861 | |

DATE MAILED: 11/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/760,264

Applicant(s)

SILVERBROOK, KIA

Examiner

Shelby Fidler

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/8/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/8/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Art Unit: 2861

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 3 recites the limitation "second electrical connectors" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 as best understood are rejected under 35 U.S.C. 102(b) as being anticipated by McElfresh et al (US 6557976 B2).

With regards to claim 1, McElfresh teaches a printer cartridge for an inkjet printer (col. 3, lines 45-47) including:

printing fluid storage (col. 3, line 34);

a pagewidth printhead (col. 4, lines 34-35) in fluid communication with the printing fluid storage (col. 3, line 35); and

a first electrical connector (electrical contacts 68, col. 5, line 56) in electrical communication with said printhead (col. 6, lines 16-19) and disposed adjacent a first end of the pagewidth printhead (Figure 2) for mating with a first corresponding connector of the inkjet printer (col. 5, lines 56-57).

With regards to claim 2, McElfresh teaches a second electrical connector (electrical contacts 68', col. 6, lines 66-67) disposed adjacent a second end of the pagewidth printhead

Art Unit: 2861

(Figure 5) for mating with a second corresponding connector of the inkjet printer (col. 7, lines 1-3).

With regards to claim 3, McElfresh teaches that the printing fluid storage, pagewidth printhead and first and second electrical connectors are attached to a body of the printer cartridge (Figures 2 and 5).

With regard to claim 4, McElfresh teaches a printer cartridge for an inkjet printer (col. 3, lines 45-47) including:

an elongated body (Figure 2) adapted to be received within the inkjet printer (col. 5, lines 60-61) and including printing fluid storage (col. 3, line 34);

a pagewidth printhead (col. 4, lines 34-35) attached to the body (Figure 2) and in fluid communication with the printing fluid storage (col. 3, line 35); and

first and second electrical connectors in electrical communication with the printhead (electrical contacts 68 and 68', respectively, Figure 5), the first and second connectors attached to the elongate body and disposed adjacent opposite ends of the pagewidth printhead (Figure 5) for mating with corresponding first and second electrical connectors of the inkjet printer (col. 6, line 67 - col. 7, line 3).

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground

Art Unit: 2861

provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1 and 2 are provisionally rejected under the judicially created doctrine of double patenting over claims 10 and 11 of copending Application No. 10/760254. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows:

| Application # 10760264 - Claim 1 | Application # 10760254 - Claim 10 |
|--|---|
| A printer cartridge for an inkjet printer . . . | A printer cartridge for an inkjet printer . . . |
| . . . printing fluid storage . . . | . . . a printing fluid storage . . . |
| . . . a pagewidth printhead in fluid communication with the printing fluid storage . . . | . . . a pagewidth printhead in communication with said printing fluid storage. |
| . . . a first electrical connector in electrical communication with said printhead and disposed adjacent a first end of the pagewidth printhead for mating with a first corresponding connector of the inkjet printer. | . . . wherein a first electrical connector is provided in electrical communication with the pagewidth printhead and disposed adjacent a first end of the pagewidth printhead for mating with a first corresponding connector of the inkjet printer. |
| | |
| Application # 10760264 - Claim 2 | Application # 10760254 - Claim 11 |
| A printer cartridge according to claim 1 further | A printer cartridge according to claim 10, wherein |

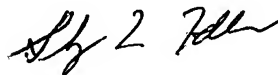
Art Unit: 2861

| | |
|---|--|
| including a second electrical connector disposed adjacent a second end of the pagewidth printhead for mating with a second corresponding connector of the inkjet printer. | a second electrical connector is provided in electrical communication with the pagewidth printhead and disposed adjacent a second end of the pagewidth printhead for mating with a second corresponding connector of the inkjet printer. |
|---|--|

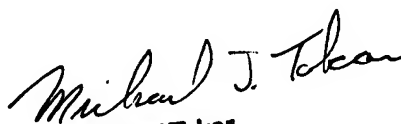
Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Conclusion

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



SLF



Michael Tokar
Supervisory Patent Examiner
Technology Center 2800